

No. 15
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, March 4, 2009.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—excused
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Reverend Dr. Bryan Salminen of Emmanuel Lutheran Church of Cadillac offered the following invocation:

Lord God, as we pray for all who are in authority, we thank You especially for the form of government given us in our beloved country. We thank You for the freedoms that we enjoy in our country, in our great state of Michigan: freedom to learn; freedom to serve; freedom to give; freedom to work; and freedom to worship You, triune God—Father, Son, and Holy Spirit.

Give us the grace to value the officers, elected politicians, and magistrates of our government as those sent by You. Instill in us that respect and honor that is due them. Endow our representatives and Governor with wisdom for their many duties, with a spirit of sacrifice for the common welfare, with mercy and justice, and with uprightness and kindness. Correct all evils of selfishness, greed, a vain desire for honor, or abuse of power among us, as well as in the other governments of the world.

Forgive us for our many sins in not seeking Your guidance and direction in all things. Grant that the true purposes of government may prevail, safeguarding peace and prosperity, so that we may live soberly and uprightly in Your sight and have opportunity to tell of You and Your kingdom.

Guide and bless these men and women who have been sent here by the people of this state and who have been ordained by You to govern this great state of Michigan. Grant them Your wisdom to rule, and may their decisions provide for the good of all citizens.

I ask this in the name of Your Son, the Living Savior, Jesus Christ. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Brater, Pappageorge and Kahn entered the Senate Chamber.

Senator Thomas moved that Senator Hunter be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senator Brown be temporarily excused from today's session.
The motion prevailed.

Senator Cropsey moved that Senator Garcia be excused from today's session.
The motion prevailed.

The following communication was received and read:
Office of the Auditor General

February 27, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Tobacco Settlement Finance Authority, a blended component unit of the State of Michigan, for the period October 1, 2007 through September 30, 2008.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit report was referred to the Committee on Government Operations and Reform.

The following communication was received:
Department of State Police

February 9, 2009

I am pleased to submit the 2007-2008 Concealed Pistol License Annual Report required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2007 and June 30, 2008.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. Below is a small summary of the activity since that date.

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398

2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319

Sincerely,
Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

February 25, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Agriculture and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-019-AC (Secretary of State Filing #09-02-03) on this date at 4:40 p.m. for the Department of Agriculture, entitled "Racing Commissioner – General Rules."

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
Public Service Commission

March 2, 2009

The enclosed *2008 Annual Report* is submitted on behalf of the Michigan Public Service Commission in accordance with Section 5a of 1989 PA 33; MCL 460.5a. The report is also available on the Commission's website.

This year was an exciting and challenging year at the Commission culminating with the passage of the Clean, Renewable, and Efficient Energy Act (2008 PA 295) and an amendment to the originating act for the Commission (1939 PA 3). The new statutes provide an opportunity for the Commission to do its part in assisting the citizens and businesses of Michigan to become more energy-wise consumers and focus on clean, renewable, and efficient energy sources.

Throughout 2008, the Commission maintained its commitment to address the needs of Michigan's low-income and senior citizens, awarding \$62,000,000 for low-income energy assistance and \$10,000,000 for low-income energy efficiency from the Low-Income and Energy Efficiency Fund. The awards provide immediate assistance for heating needs as well as longer term assistance in reducing future heating costs for low-income and senior citizens. The Commission also awarded \$18,982,559 from the Low-Income and Energy Efficiency Fund for Michigan Energy Efficiency grants.

The Commission continued its consumer outreach efforts by hosting statewide consumer forums, making its Commission meetings available via podcast, handling 36,572 calls on its toll-free line, and assisting consumers and businesses with more than 14,091 electric and natural gas and 4,508 telecommunications complaints and inquiries. Also, the Commission initiated a program to assist small businesses with regulated utility complaints. This new program processed 1,747 of these types of complaints.

The Commission issued 406 orders, consisting of 128 telecommunications, 126 electric, 72 natural gas, and 79 motor carrier orders.

Among the orders issued by the Commission during 2008 were approvals of the construction of 21 new natural gas pipelines and issuance of one certificate of public convenience and necessity for the construction of an electric transmission line.

The Commission also revised the retail natural gas rates of Consumers Energy Company and the retail electric rates of Consumers Energy Company, Wisconsin Electric Power Company d/b/a We Energies, and The Detroit Edison Company.

The Commission revised a number of its administrative rulemakings, including its Commercial and Industrial Billing Practices Governing Electric and Gas, Technical Standards for Electric Service, Gas Safety Standards, and Transfers of Telephone Licenses.

Finally, the Commission fulfilled the statutory obligation embodied in Section 10(3) of the Uniform Video Services Local Franchise Act, 2006 PA 480 (the Act), by proposing to the Legislature in 2007 a process to be added to the Act that would allow the Commission to review (1) unresolved disputes between a provider and its customer, (2) disputes between a provider and a franchising entity, and (3) disputes between providers. The Commission is still awaiting the Legislature's approval of this process.

We continue to look forward to working with you on energy utility, telecommunications, and motor carrier matters to enhance services to and ensure adequate protection for Michigan residents and businesses.

Very truly yours,
Orjiakor N. Isiogu, Chairman
Monica Martinez, Commissioner
Steven A. Transeth, Commissioner

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 3:
House Bill Nos. 4123 4145

The Secretary announced that the following official bills were printed on Tuesday, March 3, and are available at the legislative website:

Senate Bill Nos. 284 319

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Basham as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 96, entitled

A bill to amend 1965 PA 290, entitled "Boiler act of 1965," by amending section 13c (MCL 408.763c), as added by 2008 PA 159.

The bill was placed on the order of Third Reading of Bills.

During the Committee of the Whole, Senator Brown entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 21, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 413 (MCL 168.413), as amended by 1999 PA 218.

The question being on the passage of the bill,

Senator Stamas offered the following amendment:

1. Amend page 3, line 11, after "**FILED.**" by striking out the balance of the subsection and inserting:

"(4) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552."

The amendment was adopted, a majority of the members serving voting therefor.

Senator Hunter entered the Senate Chamber.

Senator Brater offered the following amendment:

1. Amend page 3, following line 13, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 97 of the 95th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 30

Yeas—16

Anderson	Cherry	Hunter	Scott
Barcia	Clark-Coleman	Jacobs	Switalski
Basham	Clarke	Olshove	Thomas
Brater	Gleason	Prusi	Whitmer

Nays—20

Allen	Cropsey	Jelinek	Patterson
Birkholz	George	Kahn	Richardville
Bishop	Gilbert	Kuipers	Sanborn
Brown	Hardiman	McManus	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom

Excused—1

Garcia

Not Voting—0

In The Chair: President

Protest

Senator Cropsey, under his constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the amendment offered by Senator Brater to Senate Bill No. 21 and moved that the statement he made during the discussion of the amendment be printed as his reasons for voting “no.”

The motion prevailed.

Senator Cropsey’s statement is as follows:

I would hope that we would turn down this amendment. I think that when you take a look at this amendment as a tie-bar amendment, tie-barring, you know, no-reason absentee voting to a judicial election thing where there is very clearly a miscarriage of justice, I think, is allowing a person to run for judge. These two are just I wouldn’t say two totally incompatible, but two very different issues.

As far as the idea that, oh, there is no fraud in absentee voting, all we have to do is look at Detroit a couple of elections ago, where you saw the monitor found evidence of Detroit absentee voter fraud. The FBI went to court over the Detroit ballots. Is anybody going to tell me that the absentee voting in the city of Detroit has been perfectly clear that there has been no fraud involved in that? I just find that—I was going to say laughable, but unbelievable.

Certainly, we have had just a major recount in one of our other states on a U.S. Senate seat. It has been very close. Parties are very concerned that there was fraud, frankly, in the tallying of the votes there.

When we start talking about the security of our elections, about fraud, and then try to turn a blind eye to it and say, you know what, we are even going to allow more of this. I think we have to be very, very careful. To tie-bar that legislation to this legislation, there is no reason that absentee voting is going to take a lot of work because there are many of us who are very concerned about the fraud that seems to go along with a lot of the absentee voting. We do not want to see fraud in our elections.

So I would hope that we would turn down this tie-bar amendment. If we are going to go to no-reason absentee voting, then have that stand on its own merit because these issues need to be discussed fully and fairly.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 31**Yeas—36**

Allen	Cherry	Jacobs	Prusi
Anderson	Clark-Coleman	Jansen	Richardville
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0**Excused—1**

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 22, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 467b (MCL 168.467b), as amended by 1999 PA 218.

The question being on the passage of the bill,

Senator Stamas offered the following amendment:

1. Amend page 4, line 15, after “**FILED.**” by striking out the balance of the subsection and inserting:

“(8) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.”

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 32**Yeas—36**

Allen	Cherry	Jacobs	Prusi
Anderson	Clark-Coleman	Jansen	Richardville

Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 24

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 24, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 426d (MCL 168.426d), as amended by 1999 PA 218.

The question being on the passage of the bill,

Senator Stamas offered the following amendment:

1. Amend page 4, line 19, after “**FILED.**” by striking out the balance of the subsection and inserting:

“(9) THE NOMINATING PETITION SIGNATURES FILED PURSUANT TO THIS SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 33

Yeas—36

Allen	Cherry	Jacobs	Prusi
Anderson	Clark-Coleman	Jansen	Richardville
Barcia	Clarke	Jelinek	Sanborn
Basham	Cropsey	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brater	Gleason	Olshove	Thomas
Brown	Hardiman	Pappageorge	Van Woerkom
Cassis	Hunter	Patterson	Whitmer

Nays—0

Excused—1

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Van Woerkom offered the following concurrent resolution:

Senate Concurrent Resolution No. 5.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Muskegon Community College relative to the Muskegon Community College Student Services One-Stop Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Muskegon Community College (the “Educational Institution”), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the “Authority”); and

Whereas, The site for the Muskegon Community College Student Services One-Stop Center (the “Facility”) is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the “State”) may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the “Lease”); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Muskegon Community College Student Services One-Stop Center shall not exceed \$5,000,000 (the Authority share is \$2,499,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$2,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$2,499,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the Educational Institution and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of “True Rental” for the Facility shall be within or below the range of \$171,000 and \$224,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease among the State, the Educational Institution, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Muskegon Community College, and the State Budget Director.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Clarke and Pappageorge were named co-sponsors of the concurrent resolution.

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

I would like today to honor a former staffer of mine, Dawn Pline, who worked for the Senate for 13 years and three years in the House. Now she is in the Governor's office in the Department of Human Services, so I train them to go to the Governor's office.

On behalf of the Senate, Dawn, I want to thank you for the years that you spent with me as my chief of staff. We have a Great Seal of the state that is signed by all of the Senators. We just wish you well. We know you have been over there four months, and it seems like you are doing a great job over there as you did for me.

So God bless you and continue on. We have this wonderful Great Seal for you to hang on your wall to remind you of your years in the Senate and the House.

Introduction and Referral of Bills

Senators Jacobs, Prusi, Brater, Switalski, Olshove, Clarke, Whitmer, Cherry, Gleason, Anderson, Hunter, Barcia, Scott, Clark-Coleman, Kuipers, Pappageorge, Birkholz, Kahn and Jansen introduced

Senate Bill No. 320, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9d.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Kahn, George, Hardiman and Pappageorge introduced

Senate Bill No. 321, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," (MCL 330.1001 to 330.2106) by adding section 204c.

The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators McManus and Kahn introduced

Senate Bill No. 322, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2009; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

The bill was read a first and second time by title and referred to the Committee on Appropriations.

Senators Pappageorge, Allen and Kahn introduced

Senate Bill No. 323, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 2 (MCL 125.2652), as amended by 2007 PA 204.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

Senators Patterson, Richardville, Allen, Kuipers, Hardiman, Birkholz, Jansen, Pappageorge and Kahn introduced

Senate Bill No. 324, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Basham, Birkholz, Anderson, Kuipers, Jacobs and Kahn introduced

Senate Bill No. 325, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539l.

The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Scott, Prusi, Switalski, Brater, Olshove, Whitmer, Clarke, Cherry, Gleason, Anderson, Hunter, Jacobs, Barcia, Clark-Coleman, Pappageorge, Birkholz, Kahn and Jansen introduced

Senate Bill No. 326, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 6t.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Whitmer, Prusi, Brater, Olshove, Switalski, Cherry, Clarke, Anderson, Gleason, Jacobs, Hunter, Barcia, Scott, Clark-Coleman, Pappageorge, Birkholz, Kahn and Jansen introduced

Senate Bill No. 327, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain

acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9h.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Barcia, Prusi, Brater, Switalski, Olshove, Clarke, Whitmer, Cherry, Anderson, Gleason, Hunter, Jacobs, Scott, Clark-Coleman, Pappageorge, Birkholz, Kahn, Hardiman and Jansen introduced

Senate Bill No. 328, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9h.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Olshove, Whitmer, Cherry, Anderson, Gleason, Basham, Switalski, Clarke, Brater, Prusi, Jacobs, Thomas, Barcia, Pappageorge, Birkholz, Kahn, Hardiman and Jansen introduced

Senate Bill No. 329, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding section 9f.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Clark-Coleman, Barcia, Olshove, Scott, Hunter, Gleason, Anderson, Jacobs, Brater, Cherry, Pappageorge, Birkholz, Kahn, Hardiman, Clarke and Jansen introduced

Senate Bill No. 330, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.10cc) by adding section 9d.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

Senators Patterson, Olshove, Gleason, Jacobs, Cherry, Pappageorge, Birkholz, Kahn, Hardiman, Clarke and Jansen introduced

Senate Bill No. 331, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9i.

The bill was read a first and second time by title and referred to the Committee on Energy Policy and Public Utilities.

House Bill No. 4123, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Economic Development and Regulatory Reform.

House Bill No. 4145, entitled

A bill to amend 2006 PA 237, entitled "An act to amend 1994 PA 451, entitled, "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58; and to repeal acts and parts of acts," by repealing enacting section 1.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Statements

Senators Scott and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

Recently, we all gathered to hear the budget presentation. We are facing some hard budget choices in the coming months. Many of our constituents in Detroit and across the state also face tough budget choices. Their insurance costs stretch their budgets to the breaking point. They have no recourse because we require them to carry auto insurance. They shop around but cannot find less expensive insurance.

You and I will now be working on the state's budget. Let's also do something to help our constituents with their budgets, and give them relief by passing my insurance reform bills.

Senator Cassis' statement is as follows:

Yesterday afternoon, I received a very disturbing, distressing call from a 19-year business woman in our state who was absolutely overwhelmed and in a state of panic and anxiety. Her accountant had just informed her that she was facing a Michigan business tax liability of \$250,000. Previously, under the single business tax, she had liability of \$25,000. She passionately indicated that she employs 33 workers here in our state, and if there is not some remedy, she would have to close her doors and declare bankruptcy in a matter of days.

This is a logistics firm and there is a problem, a severe problem, and the surcharge made it absolutely intolerable. Yes, we are working with this person and working with Treasury on the particular issue that she has brought forward to us.

The reason I stand before you today is there is a bill, Senate Bill No. 1, the first of this year, over in the House. We have passed it in the Senate to phase out over a two-year period the onerous, burdensome Michigan surcharge that brings in approximately, this year, somewhere between \$600 million and \$700 million.

Ironically, yesterday we also received the report from the Michigan Film Office done by Michigan State University. I believe all your offices have a copy at this point in time. The reason I mention this is our Senate Fiscal Agency, House Fiscal Agency, and Treasury have said in their consensus report that these films are costing \$100 million over 2008-2009. The cost of these drive-by, temporary film jobs are about \$43,000 per job. I say temporary because they won't last very long.

Yet, our small businesses are suffering deeply by having to subsidize this give-away to Hollywood tycoons—God bless them—like Clint Eastwood. There is more to be said on this film industry report, and we will certainly do that in the days ahead. But just ask a major restaurateur in this state, the owner of the Red Robin franchise, what it has done to his business—a tax increase of 400 percent. So the subsidies, the give-aways to Hollywood tycoons is on the backs of our small businesses who can ill afford it. I have given you one example.

Committee Reports

The Committee on Judiciary reported

Senate Bill No. 145, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1a of chapter IX (MCL 769.1a), as amended by 1998 PA 231.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 146, entitled

A bill to amend 1985 PA 87, entitled “William Van Regenmorter crime victim’s rights act,” by amending sections 2, 16, 31, 44, 61, and 76 (MCL 780.752, 780.766, 780.781, 780.794, 780.811, and 780.826), sections 2, 16, 44, and 76 as amended by 2005 PA 184 and sections 31 and 61 as amended by 2006 PA 461.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 188, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending sections 1, 2, and 4 (MCL 780.651, 780.652, and 780.654), section 1 as amended by 2003 PA 185 and section 4 as amended by 2002 PA 112.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Wayne Kuipers
Chairperson

To Report Out:

Yeas: Senators Kuipers, Cropsey, Sanborn, Patterson, Stamas, Whitmer and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 3, 2009, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cropsey, Sanborn, Patterson, Stamas, Whitmer, Clarke and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Homeland Security and Emerging Technologies submitted the following:

Meeting held on Tuesday, March 3, 2009, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Brown (C), Richardville, Pappageorge and Olshove

Excused: Senators Garcia, Hunter and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Tuesday, March 3, 2009, at 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Hardiman (C), Kahn, Jansen, Scott and Barcia

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Tuesday, March 3, 2009, at 2:30 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Gilbert, Stamas and Clarke

Excused: Senator Hunter

Scheduled Meetings**Appropriations -****Subcommittees -**

Agriculture - Wednesdays, March 11 and March 18, 3:00 p.m., Room 405, Capitol Building (373-2768)

Capital Outlay - Thursday, March 5, 9:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Economic Development - Wednesdays, March 11 and March 18, 8:30 a.m., Room 110, Farnum Building (373-2768)

General Government - Thursdays, March 5, March 12 and March 19, 2:00 p.m., Room 110, Farnum Building (373-2768)

Higher Education - Thursday, March 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building and Wednesday, April 1, 9:00 a.m., Rooms 402 and 403, Capitol Building (373-2768)

History, Arts, and Libraries - Thursdays, March 5, March 12 and March 19, 8:30 a.m., Room 405, Capitol Building (373-2768)

Human Services Department - Tuesday, March 10, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary and Corrections - Thursday, March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Tuesday, March 10, 3:00 p.m.; Thursday, March 12, 3:00 p.m.; and Thursday, March 19, 3:00 p.m., Room 405, Capitol Building (373-2768)

Transportation Department - Wednesdays, March 11, March 18 and March 25, 8:30 a.m., Room 405, Capitol Building (373-2768)

Transportation Department and Commerce and Tourism - Thursday, March 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Commerce and Tourism and Department of Transportation Appropriations Subcommittee - Thursday, March 5, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2413)

Energy Policy and Public Utilities - Thursday, March 5, 1:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Thursday, March 5, 11:00 a.m., Room 110, Farnum Building (373-1758)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, March 5, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

